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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,813

04/13/2007

Ulrich Bogdahn

JCLA21512

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23900

7590

11/24/2010

J C PATENTS  
4 VENTURE, SUITE 250  
IRVINE, CA 92618

EXAMINER

GIBBS, TERRA C

ART UNIT

PAPER NUMBER

1635

MAIL DATE

DELIVERY MODE

11/24/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,813	<b>Applicant(s)</b> BOGDAHN ET AL.	
	<b>Examiner</b> TERRA C. GIBBS	<b>Art Unit</b> 1635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 is/are allowed.
- 6) ☒ Claim(s) 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission mailed on July 16, 2010 has been entered.

Claim 19 has been amended.

Claims 19-21 and 23 are pending in the instant application.

Claims 19-21 and 23 have been examined on the merits.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Response to Arguments***

Applicant's Amendment and Response mailed July 16, 2010 have been considered. Rejections and/or objections not reiterated from the previous Office Action mailed March 19, 2010 are hereby withdrawn. Any arguments addressing said rejections and/or objections are moot. The following rejections and/or objections are either newly applied or are reiterated and are the only rejections and/or objections presently applied to the instant application.

***Response to Amendment***

Applicant's § 1.132 Declaration filed July 16, 2010 is acknowledged and has been fully considered by the Examiner.

***Claim Rejections - 35 USC § 112***

In the previous Office Action mailed March 19, 2010, claims 19-21, and 23 were rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a method of promoting successful regeneration and functional reconnection of damaged neural pathways in a mammal, comprising the direct or local administration of a therapeutically effect amount of SEQ ID NO:3, does not reasonably provide enablement for a method of promoting successful regeneration and functional reconnection of damaged neural pathways in a mammal, comprising administering a therapeutically effective amount of least one oligonucleotide having a sequence at least 80% identical to a sub-sequence of SEQ ID NO:1, comprising 8 to 50 nucleobases, wherein said sequence is capable of hybridizing sufficiently with the region encompassing the translation initiation or termination codon of the open reading frame of the gene encoding TGF-R<sub>βII</sub> or a region of the mRNA encoding TGF-R<sub>βII</sub> which is a "loop" or "bulge" and which is not part of a secondary structure. **This rejection is withdrawn** in view of Applicant's Amendment and Remarks filed July 16, 2010. Specifically, the Examiner is withdrawing this rejection in view of Applicant's Amendment to the claims to remove the language, "or a region of the mRNA encoding TGF-R<sub>βII</sub> which is a "loop" or "bulge" and which is not part of a secondary structure".

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Also, the Examiner is withdrawing this rejection in view of Applicant's Remarks that SEQ ID NO:3 is located within the region spanning the translation initiation codon of the open reading frame of the gene encoding TGF-R<sub>βII</sub> as represented by SEQ ID NO:1. It is noted that Applicants also submitted a § 1.132 Declaration attesting to the fact that SEQ ID NO:3 is located within the region spanning the translation initiation codon of the open reading frame of the gene encoding TGF-R<sub>βII</sub> as represented by SEQ ID NO:1.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation, "The method according to claim 20, wherein the neurodegenerative disorders and neuroinflammatory disorders". There is insufficient antecedent basis for this limitation in the claim because claim 20 never makes reference to "neurodegenerative disorders" or "neuroinflammatory disorders". Appropriate correction is required.

### ***Conclusion***

Claims 19-21 are allowable.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terra C. Gibbs whose telephone number is 571-272-0758. The examiner can normally be reached from 9 am - 5 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Calamita can be reached on 571-272-2876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

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/Terra Cotta Gibbs/  
November 21, 2010